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FOREWORD: CRIMINAL JUSTICE RESPONSES TO THE ECONOMIC CRISIS

Caren Myers Morrison*

"Epidemics seldom end with miracle cures. . . . 'Merely chipping away at the problem around the edges' is usually the very best thing to do with a problem; keep chipping away patiently and, eventually, you get to its heart."[1]

The rate of incarceration in the United States has reached epidemic proportions.[2] While this fact is well known, the comparators still have the power to shock: there are "more African Americans under correctional control today—in prison or jail, on probation or parole—than were enslaved in 1850,"[3] the United States keeps over 80,000 inmates in solitary confinement,[4] and there are more people incarcerated in the United States today than in the Stalinist gulags at their height in 1953.[5] This has come at significant financial cost: State prison expenditures have increased from $2.8 billion to $50 billion over the past 30 years.[6] The bulk of these increases are due to

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* Assistant Professor, Georgia State University College of Law. My thanks to the Law Review staff and, in particular, to the Symposium editors, Mary Ellen Lighthiser and Jennifer Frazier West, for their hard work and attention to detail in putting together an excellent program.

1. Adam Gopnik, *The Caging of America*, NEW YORKER (Jan. 30, 2012), *available at* http://www.newyorker.com/arts/critics/atlarge/2012/01/30/120130crat_atlarge_gopnik.

2. Since the late 1970s, the number of inmates in American prisons and jails increased from 300,000 to a peak of approximately 2.3 million in 2008. *See* Pew Center on the States, *One in 100: Behind Bars in America 2008*, at 5 (2008), http://www.pewstates.org/uploadedFiles/PCS_Assets/2008/one%20in%20100.pdf [hereinafter Pew Center Report]. The numbers of people incarcerated in state and federal prisons and local jails have declined slightly since the high of 2,308,400 in 2008 to 2,266,800 in 2010. *See* U.S. DEPT. OF JUSTICE, *Correctional Population in the United States, 2010*, at 3 (Dec. 2011), http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus10.pdf.

3. MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 175 (2010).

4. *See* Angela Browne et al., *Prisons Within Prisons: The Use of Segregation Within the United States*, 24 FED. SENT'G REP. 46, 46 (2011) (noting that, as of 2005, there were 81,622 prisoners in solitary confinement).

5. *See* Gopnik, *supra* note 1.

6. Marshall Clement et al., *The National Summit on Justice Reinvestment and Public Safety: Addressing Recidivism, Crime, and Corrections Spending* 16 (Jan. 2011), http://justicereinvestment.org/summit/report [hereinafter *Justice Reinvestment Report*]. Together,

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policy choices, particularly at the prosecutorial and local level, that send more violators to prison, and to a lesser extent, to innovations such as three strikes laws, mandatory minimums and other sentencing enhancements that keep them there longer.[7]

Worse, our country's insatiable appetite for incarceration feeds on itself. Mass incarceration has been likened to a disease that is itself criminogenic, as "[v]ery high rates of imprisonment concentrated in specific communities cause social disorganization, undermining the normal social controls of family and community that are the best (and most natural) guarantors of good behavior."[8] The enormous socials costs inflicted by high incarceration rates tend to be focused on particular communities; those that suffer from the highest crime rates end up having high proportions of their population incarcerated, further destabilizing the community and leading to more crime and thus more incarceration.[9] And corrections spending also competes with the funding states need to devote to other programs that could reduce crime in the long run, such as early childhood education.[10]

But the global financial crisis has forced the country to confront the fact that these choices have become unsustainable. At a time when states are facing severe budget shortfalls, and some municipalities have even filed for bankruptcy,[11] states can no longer

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federal, state, and local governments spent $69 billion on corrections in 2006. Linh Vuong et al., *The Extravagance of Imprisonment Revisited*, 94 JUDICATURE 70, 71 (2010). Even adjusted for inflation, modern prison expenditures are 4.5 times what they were 30 years ago. *See* John F. Pfaff, *The Durability of Prison Populations*, 2010 U. CHI. LEGAL F. 73, 76–77 (2010).

7. *See, e.g.*, Ewing v. California, 538 U.S. 11 (2003) (upholding sentence of 25 years to life for defendant convicted of stealing three golf clubs, priced at $399 each, under California's "Three Strikes" law).

8. ERNEST DRUCKER, A PLAGUE OF PRISONS: THE EPIDEMIOLOGY OF MASS INCARCERATION IN AMERICA 106 (2011).

9. *See* Sharon Dolovitch, *Foreword: Incarceration American-Style*, 3 HARV. L. & POL'Y REV. 237, 241 (2009) (noting that mass incarceration "operates to create a class of permanently marginalized and degraded noncitizens, marked out by the fact of their incarceration for perpetual social exclusion and ongoing social control").

10. Pew Center Report, *supra* note 2, at 16.

11. *See, e.g.*, Mary Williams Walsh, *Alabama Governor Fails to Prevent County's Record $4 Billion Bankruptcy Filing*, N.Y. TIMES, Nov. 9, 2011, *available at* http://www.nytimes.com/2011/11/10/us/alabama-governor-fails-to-prevent-jefferson-countys-record-4-billion-bankruptcy-filing.html; Sabrina Tavernise, *City Council in Harrisburg Files Petition of Bankruptcy*, N.Y. TIMES (Oct. 12, 2011), *available at* http://www.nytimes.com/2011/10/13/us/harrisburg-pennsylvania-files-for-bankruptcy.html.

afford to house so many prisoners. The Supreme Court's decision in *Brown v. Plata*, which held that the overcrowding in California's prisons was so severe that it violated the cruel and unusual punishments clause of the Eighth Amendment,[12] was the most public recognition yet that the situation was untenable.

The economic crisis has forced legislators and government officials to face issues that they had previously been able to ignore: whether incarceration is the best use of resources to deal with non-violent offenders,[13] whether former inmates should be sent back to prison for violations of conditions of their post-conviction release, rather than for new criminal activity,[14] whether sentences should be so long that the prison population becomes increasingly geriatric.[15]

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12. Brown v. Plata, 131 S. Ct. 1910, 1923 (2011). In *Plata*, the Supreme Court upheld a lower court's order to California to reduce its prison population to 137.5 percent capacity within two years, which will require California to release or reassign over 30,000 prisoners. *See id.* at 1923.

13. Many of those incarcerated have been convicted of relatively minor crimes. One study has found that a quarter of the nation's inmates are serving time for "nonserious, nonsexual offenses," such as petty theft, drug possession offenses, minor traffic offenses, drunkenness, liquor laws, public order, juvenile offenses, and misdemeanors. Vuong, *supra* note 6, at 71. It is estimated that the United States could save as much as $9.7 billion by using alternative sentences for those convicted of nonserious crimes, such as drug treatment, electronic monitoring, and reporting systems. *Id.* at 72–73. These measures could be at least as effective as incarceration in rehabilitating offenders and reducing recidivism, while incurring much lower societal costs. *See id.* at 71.

14. In 2005, parole violators accounted for more than one third of all prison admissions, up from 17% of prison admissions in 1980. *See* RYAN S. KING, THE SENTENCING PROJECT, CHANGING DIRECTION?: STATE SENTENCING REFORMS 2004-2006, at 11 (Mar. 2007), *available at* http://www.sentencingproject.org/doc/publications/sentencingreformforweb.pdf; WILLIAM J. SABOL, ET AL., BUREAU OF JUSTICE STATISTICS, PRISON AND JAIL INMATES AT MIDYEAR 2006 (2007), *available at* http://bjs.ojp.usdoj.gov/content/pub/pdf/pjim06.pdf. One third of those who are returning to prison for probation or parole violations committed a technical violation. *See* King, *supra* at 11. In up to a quarter of technical violations, no new crime has been alleged. *See* Todd R. Clear & James Austin, *Reducing Mass Incarceration: Implications of the Iron Law of Prison Populations*, 3 HARV. L. & POL'Y REV. 307, 317 (2009). Clear and Austin estimate that the rate of parole revocation could be reduced up to two-thirds by eliminating technical violations and implementing "graduated strategies" to respond to misconduct in the community, rather than returning technical violators to prison. *See id.* at 318 (citing AMY SOLOMON, ET AL., URBAN INST., PUTTING PUBLIC SAFETY FIRST: 13 PAROLE SUPERVISION STRATEGIES TO ENHANCE REENTRY OUTCOMES (2008), http://www.urban.org/UploadedPDF/411800_public_safety_first.pdf). These strategies have been implemented with success in several states, including Texas, Kansas, Arizona and New Hampshire. *See Justice Reinvestment Report*, *supra* note 6, at 56–67.

15. The National Institute of Corrections found a 173% increase in the number of prisoners over 50. *See* JAYE B. ANNO ET AL., U.S. DEPT. OF JUSTICE, NATIONAL INST. OF CORRECTIONS, *ADDRESSING THE NEEDS OF ELDERLY, CHRONICALLY ILL, AND TERMINALLY ILL INMATES* (2004). This, in turn, causes increased costs for medical care as state systems lodge an increasing proportion of older prisoners. *See id.*

At the same time, taxpayers are beginning to realize that they are not always getting a decent return on their corrections dollar. Crime, and the fear of it, is no longer dominating the domestic agenda, due to unprecedented drops in reported crime rates.[16] And fiscal conservatives are edging out "tough on crime" rhetoric with proposals to be "smart on crime."[17]

The reaction to these straightened circumstances has ranged from the downright miserly and short-sighted, such as billing inmates for their stays in county jail,[18] to reforms that may actually improve the system. Some states have implemented evidence-based practices and programs that have dramatically reduced the risk of recidivism by released offenders,[19] or have combined evidence-based practices and cost-savings in innovative ways.[20]

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16. Our current crime rate is roughly equivalent to that of the early 1970s. *See generally* Pew Center Report, *supra* note 2. What is notable is that the drop in crime does not seem due to the increase in incarceration. As the National Center on Justice Reinvestment and Public Safety points out, from 2000 to 2007, Florida's prison population increased by 16%, while New York's decreased by 16%. But New York experienced a drop in crime that was double that of Florida's. *See Justice Reinvestment Report*, *supra* note 6, at 4.

17. As Michael Vitiello points out, criminal justice reform is no longer simply the province of well-meaning liberals and rehabilitation advocates. Prominent conservative leaders such as Newt Gingrinch and Ward Connelly have endorsed the "Right on Crime" campaign, which calls for sensible and proven reforms. *See* Michael Vitiello, *Alternatives to Incarceration: Why Is California Lagging Behind?*, 28 GA. ST. U. L. REV. 1273, 1283–84 (2012).

18. *See, e.g.*, Christina Hall, *Jail Inmates Get Billed for Stay—But Few Pay*, DETROIT FREE PRESS, Feb. 7, 2011. This is but one of the penny-pinching changes that seem of little value beyond their minor savings, such as reducing food costs for inmates by switching from hot breakfasts to cold cereal, charging them for underwear, or having inmates perform routine maintenance tasks such as mowing lawns and caring for buildings. *See, e.g.*, Colleen Jenkins, *Florida Jail Ends Free Underwear for Jail Costs*, REUTERS.COM, July 15, 2011.

19. *See* Pew Center on the States, *State of Recidivism: The Revolving Door of America's Prisons*, at 22–23, 26 (2011), *available at* http://www.pewstates.org/uploadedFiles/PCS_Assets/2011/Pew_State_of_Recidivism.pdf (noting decline in recidivism rates in Missouri and Arizona).

20. Mississippi changed its policies for non-violent inmates, making them eligible for release after serving 25% of their sentence rather than 85%. Even better, Mississippi also instituted restitution centers that allow inmates convicted of property crimes to work for businesses in the community to repay what they owe their victims. *See Restitution Centers*, MISS. DEP'T OF CORR., http://www.mdoc.state.ms.us/restitution_centers.htm (last visited Apr. 3, 2012). It's still a small program—the state has four restitution centers that house 60 people—but it's an elegantly designed solution that offers rehabilitation and work experience to the inmates, saves the state money, and opens opportunities for employment after release. Texas invested $241 million in transitional programs for non-violent inmates, particularly residential and non-residential treatment. It changed its drug penalties for first-time drug offenders, mandating that first-time drug offenders who possess less than a gram of narcotics receive probation rather than prison time.

In time, more sweeping reforms should be considered. As it is easier to facilitate reentry and avoid recidivism if people stay out of the system altogether, we might want to rethink whether those arrested for committing certain low-level crimes, such as minor drug possession, should be prosecuted in the first place.[21] Or we could consider full legalization of vice activity, as it offers a potentially rich source of new tax revenues.[22]

But controversial, large-scale reforms are not the only way to make a lasting difference. To the contrary, waiting for sweeping change may put even the best-intentioned reformers in a state of paralysis, making the problems seem overwhelmingly huge.[23] Just as the crime wave crested and subsided, so there may be a chance for

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21. Laws criminalizing marijuana possession—and their vigorous enforcement—come at an extraordinarily high cost. Currently, those convicted of marijuana possession may be sentenced to one year in prison, and about 15,000 people receive prison sentences for marijuana possession per year. 21 U.S.C. § 844 (2006); Eric Blumenson & Eva Nilsen, *No Rational Basis: The Pragmatic Case for Marijuana Law Reform*, 17 VA. J. SOC. POL'Y & L. 43, 44, 59 (2009). Arrests for possession of marijuana constitute thirty-nine percent of all drug arrests annually, and ninety percent of all marijuana-related arrests. *See id.* at 46 n.9 (citing FBI Uniform Crime Reports). Blumenson and Nilsen have estimated that "the state and federal government poured at least $7.7 billion into marijuana prohibition in the year 2004." *See id.* at 53.

22. Catherine Boyle, *Could Legally Getting High Reduce the Deficit?*, CNBC, June 23, 2011, http://www.cnbc.com/id/43508025. Marijuana is currently California's largest cash crop, and it remains entirely untaxed. *See* J. James P. Gray, *The Hopelessness of Drug Prohibition,* 13 CHAP. L. REV. 521, 554 (2010). Experts estimate that legalization of marijuana alone could bring in an estimated 13 billion dollars of tax revenue annually. *See* Jeremy Singer-Vine, *A Toke And A Tax: If Governments Legalize Marijuana, How Much Revenue Can They Raise From It?* SLATE, June 10, 2009, http://www.slate.com/articles/news_and_politics/politics/2009/06/a_toke_and_a_tax.html (quoting Harvard economist Jeffrey Miron). Paired with reductions in enforcement costs and reductions in prison populations, savings from legalization could exceed $25 billion per year. *See* Troy E. Grandel, *One Toke Over the Line: The Proliferation of State Medical Marijuana Laws*, 9 U. N.H. L. REV. 135. 153–54 (estimating that marijuana arrests in 2006 cost state and local government more than $10 billion). New sources of tax revenue could similarly be generated by legalization, regulation, and taxation of commercial sex activity. Charlie LeDuff, *Nevada Turns to Brothels as a Budget Fix*, N.Y. TIMES, June 28, 2003, at A7.

These efforts would mirror decriminalization efforts that have already received broad support. Although gambling was almost uniformly prohibited in past decades, states have increasingly embraced state-sanctioned gambling activities, including lotteries, as revenue-generating mechanisms. *See* Chris Sieroty, *Revenue From Gambling, Lotteries Rises in U.S. in '10*, LAS VEGAS BUS. PRESS, July 4, 2011, *available at* http://www.lvbusinesspress.com/articles/2011/07/04/news/iq_45422936.txt.

23. To read the literature on crime before it dropped is to see the same kind of dystopian despair we find in the new literature of punishment: we'd have to end poverty, or eradicate the ghettos, or declare war on the broken family, or the like, in order to end the crime wave.

Gopnik, *supra* note 1.

our incarceration trends to reverse themselves. "The truth is," observed one commentator of the drop in crime rates, "a series of small actions and events ended up eliminating a problem that seemed to hang over everything. There was no miracle cure, just the intercession of a thousand smaller sanities."[24] Maybe an accumulation of incremental changes might add up to an overall shift in focus, away from the punitive overreliance on incarceration, and towards a more just, evidence-based and cost-effective justice system.

So it seems possible that we may be at a new tipping point, one that may be capable of nudging us towards a virtuous cycle of less incarceration, more mental health and drug treatment, and possibly less criminalization. Though the motivations of the conservative and the liberal may diverge, their goals may be aligned. The goal of the Symposium, held in Atlanta on January 27, 2012, was to bring together a number of scholars and practitioners to see how the moment might be leveraged to produce sustainable change. Cognizant of the ephemeral quality of reform that is solely cost-driven, the participants proposed a variety of solutions that could have staying power, even after the good times return.

Some of the articles in this Symposium Issue propose some of the "smaller sanities" that might help chip away at the problem, while providing important theoretical grounding for these proposals. But the Symposium didn't just offer a useful toolbox of practical solutions; it also provided perspective. We could not have achieved our status as the most punitive nation on earth if we were not, on some unspoken level, quite comfortable with this state of affairs. It is easy to lock up great numbers of people if they are not perceived as the same as us.

Bernard Harcourt, in his keynote address, raises the question of how we come to determine who is excludable as a deviant and a criminal and who is not. Harcourt suggests that this exclusion, though shaped by race, goes beyond it—after all, the mass institutionalization of the mid-twentieth century was concentrated in

24. *Id.*

mental hospitals and confined a much older, whiter, and more female population. Why can some anti-social behavior (shoplifting, say, or selling drugs) so easily be labeled as criminal while other, equally anti-social behavior (contributing to widespread economic misfortune) is not? A prominent academic who accepts $124,000 to talk up Icelandic investments on the eve of Iceland's economic collapse creates more far-reaching and lasting social harm than the person who shoplifts an item from a store or sells a rock of crack on the corner. So why, asks Harcourt, is the latter seen as a criminal, but the former is not?

It is true that we understand petty theft in a visceral, intuitive way, quite different from the way we may or may not understand credit default swaps. But it's more than that. The persistence with which some behaviors seem not to register as criminal at all seems connected to what Harcourt identifies as our fundamental conception of the role of government. People seem to believe that government "cannot be trusted to regulate issues like conflicts of interest that might result in publications of tainted studies, because those raise more complicated economic questions. But the state can be trusted to crack down severely on young kids engaged in the drug business."[25] And part of unraveling the net of mass incarceration may be disentangling ourselves from the idea that incarceration is what governments *do*—that government is incompetent in economic matters and is primarily competent in policing and security matters.

David Ball and John Pfaff bring a meticulous analysis of incarceration data to inform the discussion. Both Pfaff and Ball emphasize the important role that county actors play in the decision to charge, and by extension, to incarcerate. Most studies focus on national and state actors, but the real action is happening at the county level.[26] Pfaff's work illuminates the fact that it's not necessarily the harshness of the penalties that has driven the increase in prison population so much as it is prosecutorial choices. And these

25. Bernard Harcourt, *Keynote: The Crisis and Criminal Justice*, 28 GA. ST. U. L. REV. 965, 980 (2012).

26. *See* John F. Pfaff, *The Micro and Macro Causes of Prison Growth*, 28 GA. ST. U. L. REV. 1237 (2012).

choices are made without effective constraints, since prosecutors can "overuse" prison beds without repercussions as the state, not the county, pays for them.

Ball's article explores the link between county policies and state prison overcrowding by examining data from the fifty-eight counties in California. His study makes the concept of the "corrections free lunch" unusually concrete.[27] Even in the wake of *Brown v. Plata*, California has done no more than pass a bill that subsidizes counties so they can reabsorb their prisoners based on their previous usage. Ball instead proposes a model in which any amount of prison consumed over the state average would be paid for by the localities. "Charging for prison usage is more narrowly targeted at reducing unjustified use."[28]

Whether California will be capable of this kind of sensible reform remains to be seen, as Michael Vitiello's cautionary piece indicates.[29] Due to the power of the prison guards' union, and its symbiotic relationship with the victims' rights lobby, there are powerful forces that want to keep the policy-driven over-incarceration going.

But in terms of sheer extravagance, it is hard to beat the death penalty, which absorbs millions of dollars and years of litigation for every case.[30] Russell Covey offers a new and potentially viable alternative to this wasteful practice: replacing it with an ultimate sentence of Death in Prison.[31] As Covey astutely points out, "you can't beat something with nothing," and simply abolishing the death

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27. W. David Ball, *Tough on Crime (on the State's Dime): How Violent Crime Does Not Drive California Counties' Incarceration Rates—and Why It Should*, 28 GA. ST. U. L. REV. 987, 991 (2012). His comparison of Alameda and San Bernardino counties is particularly instructive. The two counties have populations of similar size, and similar amounts of reported violent crime and property crime, yet San Bernardino's prison population was twice that of Alameda and it sent, on average, more than three times as many new felons to prison each year. In dollar terms, San Bernardino cost the state $93 million a year more than Alameda for new felon admissions, and an additional $236 million a year more than Alameda to house its prison population. When counties' deviations from state policy are subsidized by their neighbors, there is little incentive to stop.

28. *Id.* at 1076.

29. *See generally* Vitiello, *supra* note 17.

30. One of Covey's most startling statistics is that, dividing the amount of money spent by California on death penalty litigation and imprisonment divided by the number of executions actually carried out, puts the price tag per execution at about $13 million. Russell D. Covey, *Death in Prison: The Right Death Penalty Compromise*, 28 GA. ST. U. L. REV. 1083, 1113–14 (2012).

31. *Id.* at 1115–19.

penalty leaves life without the possibility of parole as the ultimate penalty. But life without parole is a sentence with significant symbolic shortcomings. Onerous though the penalty may be in practice, the fact remains that it sounds as if the offender has gotten away with something.[32] The virtue of Death in Prison is that it has the ring of finality. And in a time when a single death penalty prosecution can cost four million dollars, it is a sensible way to reduce costs.

Cara Drinan argues for a revival of the executive power of clemency—another reform that might appear to be small-scale in its application, but would contribute to an important shift in perspective.[33] She posits state clemency grants as a response to systemic criminal justice failings as well as a public gesture of compassion.[34] Drinan points out that political actors' fear of clemency as political suicide are probably off the mark, as decisions such as *Brown v. Plata* may now provide political cover for clemency.[35]

Larry Eger and Randolph Jonakait emphasize how much any reform needs to be "sold" to the players on the ground and how defense lawyers should not hesitate to join forces with fiscal conservatives. Eger, the public defender for the Twelfth Judicial Circuit of Florida, has dealt firsthand with the political realities of the justice system and knows that compromise and cooperation can be the key to success.

Matthew Parlow suggests that this is a good time to reevaluate community policing, the proactive local policing model marked by community engagement, order maintenance, and crime prevention.[36] While community policing has been publicly popular, it has not been

32. The words that resonate most in that phrase are "life" and "parole," two things that are anathema to death penalty supporters.

33. Cara H. Drinan, *Clemency in a Time of Crisis*, 28 GA. ST. U. L. REV. 1121 (2012).

34. *Id.* at 1125. Drinan attributes the decline of executive clemency over the past fifty years in part to increasing harshness in political discourse on crime as well as to clemency's appearance as an illegitimate practice rooted in favoritism. *See id.* at 1128–30.

35. *See id.* at 1136–38.

36. Matthew J. Parlow, *The Great Recession and Its Implications for Community Policing*, 28 GA. ST. U. L. REV. 1191 (2012).

without cost, as it has led to a significant number of arrests of people for relatively minor offenses, which can clog the courts and in the worst cases, can "result in economic ruin for the arrestee" triggering another cycle of offense and reincarceration.[37] Parlow too points out some of the better measures some states have adopted that marry cost savings to lasting social benefits, such as lower recidivism rates and less disruption to the lives and support systems of those convicted.[38]

Here in Georgia, the General Assembly has recently passed House Bill 1176, by unanimous votes in both the House and the Senate.[39] HB 1176 lowers penalties for minor drug possession crimes, reclassifies some classes of theft from felonies to misdemeanors and establishes legislative authority for drug courts and mental health courts. The bill unquestionably exhibits a bipartisan consensus that the state can no longer afford to respond to social issues purely with incarceration—in 2010, Georgians paid over $1.1 billion to house 53,704 inmates in the state's jails and prisons.[40] But in its best light, it may represent something more—an important shift in thinking from reflexive punitiveness to a greater concern with policies that work.

The day after the Bill's approval, the College of Law hosted a roundtable on criminal justice reform, attended by a range of players in the state criminal justice system.[41] Although the perspectives of the attendees spanned a broad range, from members of the ACLU and the Southern Center for Human Rights to the Commissioner of

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37. *Id.* at xxx12.

38. By enabling at least low-level, non-violent offenders to avoid going through the prison system in the first place, counties can not only save money now, but can avoid more difficult re-entry issues later. *See id.* at xxx23. Dallas County, Texas, recounts Parlow, not only saved $400,000 in the first year of its house arrest program, but also saw 273 out of 281 offenders successfully complete the program. *See id.*

39. See HB 176, as passed by House and Senate, 2012 Ga. Gen. Assem., *available at* http://www.legis.ga.gov/legislation/en-US/Display/20112012/HB/1176 (last visited Apr. 3, 2012).

40. *See* VERA INST. OF JUSTICE, THE PRICE OF PRISONS: GEORGIA FACT SHEET (Jan. 2012), *available at* http://www.vera.org/files/price-of-prisons-georgia-fact-sheet.pdf.

41. These included two public defenders, the District Attorney for Cobb County, an executive director of the Georgia ACLU, the executive director of the Southern Center for Human Rights, the Deputy Police Chief of the Atlanta Police Department, the Commissioner of the Department of Corrections, the Chairman of the Board of Pardons and Paroles, a Drug and Mental Health Court judge, and a Chief Probation Officer. Together, they represented a wide spectrum of participants in the criminal justice system in Georgia.

Corrections and the Deputy Chief of the Atlanta Police Department, all agreed that reforms are necessary, not only to ameliorate the state's struggling finances, but to improve public safety and strengthen communities. Maybe events like this Symposium and the roundtable are a sign that people are beginning to pay attention. And maybe, in time, a succession of creative and common-sense steps, focused on results rather than politics and punitiveness, will help usher out the age of over-incarceration.